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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,160	10/22/2003	Gianni Borghi	U 014866-2	6524
7590 05/02/2006 LADAS & PARRY 26 West 61st Street New York, NY 10023			EXAMINER CHARLES, MARCUS	
			ART UNIT 3682	PAPER NUMBER

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,160

Applicant(s)

BORGHI, GIANNI

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07-30-2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first action relating to serial application number 10/691,160, filed 10-22-2003.

Claims 1-8 are currently pending.

Drawings

1. The examiner has accepted the drawing filed with this application.

Specification

2. The disclosure is objected to because of the following informalities: the first paragraph is missing the sub-title --Field of the Invention--The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Claim Objections

3. Claim 5 is objected to because of the following informalities: in claim 5, line 4, the reference numeral "20" should be --10-- because "10" represents the flywheel. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by EP (0898096) to Gambini. Gambini disclose discloses a CVT drive comprising a shaft (7); a flywheel (9); a drive assembly idle with respect to the shaft and driving a drive pulley

(1) having two half pulleys defining a groove there between for a belt, a friction clutch (9a) between the flywheel and a pulley half; a centrifugal control assembly (17) comprising a speed adjusting device (22) for adjusting the groove of the adjusting pulley in response to the variation of the speed of the shaft; the centrifugal control assembly comprising a centrifugal actuating device (21/23) controlling the clutch and setting the clutch means for torque transmission in responsive to the speed of the shaft. Due to the variation of the speed of the shaft, it is apparent that the speed of the shaft includes a first threshold value to connect the drive pulley to the speed of the fly wheel and the speed adjusting means being active over a second threshold value of the speed of the shaft and higher than the first threshold value.

In claim 2, Gambini inherently discloses the claimed invention.

In claim 3, note the sleeve (6) and the first pulley half (3) being fitted fix to the sleeve and the movable pulley half (4) being axially movable relative to the sleeve.

In claim 4, note the stop (12) that defines a maximum parting position of the movable pulley half.

In claim 5, note the clutch disk (8).

In claim 6, it is apparent that the weights (22) rotate integrally with the shaft (7) and acting on a push member (23) interposed between the weights and the drive assembly to move the drive assembly towards the fly wheel and grip the clutch disk between the fly wheel and the first half pulley.

Allowable Subject Matter

6. Claims 7-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. WO 98/48198) discloses a cvt having a flywheel, and a clutch between the drive assembly and the flywheel. Ward (3,830,112) discloses a centrifugal type cvt having a flywheel. Borghi (US2002/0034995) and US (2002/0017440) disclose a CVT friction clutch between an input member and a drive assembly. Leclair et al. (6,520,878) discloses a CVT with a flywheel. Sweger (2,512,816) and Koivunen (4,608,885) disclose a centrifugal type CVT with a friction clutch and a drive assembly.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marcus Charles
Primary Examiner
Art Unit 3682
April 26, 2006